IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WIRT PETITION NO.1143 OF 1993

Mahabaleshwar Hill Station Municipal Council ..Petitioner.

V/s

Smt. Chandravatiraje Laxmanrao Rajwade And others .Respondents.

None for the petitioner.
Mrs. M.M. Deshmukh, AGP for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 22ND SEPTEMBER, 2006.

P.C.

. None present for the petitioner. The petitioner is the Mahabaleshwar Hill Station Municipal Council. It had filed a petition challenging the order in criminal Revision Application No. 246/1991. The Revision Petition was filed against an order issuing process by original accused No.2, who was at the relevant time 71 years of age. She is respondent No.1 to the present petition.

2. This Court has already passed an order on 4th August, 2006 dismissing the petition against respondent Nos. 1 to 3. Respondent No. 4 before me is the

original respondent in the Revisional Court. No useful purpose will be served when a writ petition is dismissed against three accused out of four. That apart, the order of issuing process was found to be vitiated because delay in filing of the complaint was not at all explained. The Magistrate has not passed any order on the application for condonation of delay and yet proceeded to issue process. The complaint was belated and that is why the Revisional Court interfered in the order of Magistrate issuing process.

43. Such orders and conclusion do not merit any interference under Article 227 of the Constitution of India. The larger question need not be gone into and decided in the light of the above factual position. Rule is therefore, discharged. Petition dismissed.

(S.C.DHARMADHIKARI, J.)